



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of:)
Evergreen Development, Inc., and) Docket No. CWA-07-2022-0134
Mark Schmidt,)
Respondents.)

ORDER ON RESPONDENTS' SECOND REQUEST FOR CONTINUANCE

The Prehearing Order, issued February 6, 2023, outlined the prehearing exchange of information process and set deadlines by which the parties were to engage in such process. On April 5, 2023, Respondents Evergreen Development, Inc., and Mark Schmidt requested a two-week continuance so that the parties could have time to exchange and review information that might facilitate a settlement of this matter. That Request was granted by Order, and the deadline for Respondents' Prehearing Exchange(s) was moved to April 21, 2023.

On April 21, 2023, Respondents filed a Second Request for Continuance, seeking a four-week extension of the remaining prehearing exchange deadlines. In support, Respondents assert that they have provided Complainant with some financial documents, but that others have yet to be prepared and require the services of an accountant to do so. 2d Req. at 1-2. Respondents estimate that two weeks are necessary to complete these documents, and advise that the remaining two weeks will be used to "attempt to negotiate a settlement of this matter." 2d Req. at 2. Respondents state that Complainant will not object to the Second Request. 2d Req. at 2.

According to the Consolidated Rules of Practice governing this matter, "the Presiding Officer may grant an extension of time for filing any document: upon timely motion of a party to the proceeding, for good cause shown, and after consideration of prejudice to other parties; or upon its own initiative." 40 C.F.R. § 22.7(b). Because the parties seem amenable to working together to resolve this matter, I find that there is good cause to allow a four-week extension of the deadlines, and that no prejudice will result. The Second Request is GRANTED.

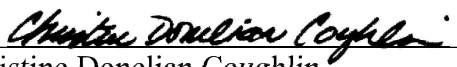
The remaining deadlines for filing prehearing exchange documents are as follows:

May 19, 2023 Respondents' Prehearing Exchange(s)

June 2, 2023 Complainant's Rebuttal Prehearing Exchange

Any other deadlines set by the Prehearing Order, such as that for filing a joint motion for the appointment of a neutral, are extended accordingly.

SO ORDERED.




Christine Donelian Coughlin
Administrative Law Judge

Dated: April 24, 2023
Washington, D.C.

In the Matter of *Evergreen Development, Inc., and Mark Schmidt*, Respondents.
Docket No. CWA-07-2022-0134

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Respondents' Second Request for Continuance**, dated April 24, 2023, and issued by Administrative Law Judge Christine Donelian Coughlin, was sent this day to the following parties in the manner indicated below.


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Staff Attorney

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For Respondents

Dated: April 24, 2023
Washington, D.C.